THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 22nd September, 2006

W.P.No.11280 of 2001

Between:

Telagorla Pedda Anjaiah & others … Petitioners

and

The Special Cadre Dy.Registrar/
Officer on Special Duty-cum-
District Registrar and Special Officer,
The Prakasam District Cooperative
Central Bank Ltd., Ongole
and others … Respondents

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ORAL ORDER:

It appears that the petitioners obtained loans from the 3rd respondent-society. When the loan amount fell due, the 1st respondent has issued the impugned notices proposing to auction the lands of the petitioners. The only complaint of the petitioners is that no proceedings under Section 61 of the A.P. Cooperative Societies Act,1964 (for short 'the Act') were taken up or any exercise was done for the purpose of issuing a certificate as required under Section 71 of the Act, before issuing the impugned notices. According to the petitioners, without any notice and without initiating any proceedings as required under the law, the impugned notices have been issued.

No counter is filed. However, learned standing counsel for the respondent-Bank submits that generally speaking, no such auction notice will be issued proposing to auction the properties of the petitioners without any proceedings being initiated either under Section 61 of the Act or without obtaining any certificate as required under Section 71 of the Act.

Be that as it may, if no notice of any kind is issued to the petitioner, even if the proceedings were invoked under Section 61 of the Act or a certificate under Section 71 of the Act was obtained by the Bank, the respondents shall not proceed with the matter. However, petitioners are directed to file a detailed representation, in this regard,

before respondents 2 and 3 and they shall dispose of the same, after hearing the petitioners, as per law. Till such time, the impugned notices shall not be given effect to.

Accordingly, the Writ Petition is disposed of. No order as to costs.

22-9-2006

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